

**Filed 12/16/13 by Clerk of Supreme Court
IN THE SUPREME COURT
STATE OF NORTH DAKOTA**

2013 ND 226

Industrial Contractors, Inc., Appellant

v.

North Dakota Workforce Safety and Insurance, Appellee

and

David Kraft, Respondent

No. 20130185

Appeal from the District Court of McLean County, South Central Judicial District, the Honorable Gail Hagerty, Judge.

AFFIRMED.

Per Curiam.

Lawrence E. King, P.O. Box 1695, Bismarck, N.D. 58502-1695, for appellant.

Mitchell D. Armstrong, P.O. Box 460, Bismarck, N.D. 58502-0460, for appellee.

Industrial Contractors, Inc. v. WSI
No. 20130185

Per Curiam.

[¶1] Industrial Contractors, Inc., (“ICI”) appeals from a district court judgment affirming an administrative law judge’s order, which affirmed Workforce Safety and Insurance’s order awarding benefits to ICI’s employee David Kraft for a work injury to his left elbow. ICI argues Kraft has not established that his left elbow condition arises out of and was caused by an employment injury. The district court judgment is summarily affirmed under N.D.R.App.P. 35.1(a)(5).

[¶2] Gerald W. VandeWalle, C.J.
Daniel J. Crothers
Carol Ronning Kapsner
Mary Muehlen Maring
Daniel D. Narum, D. J.

[¶3] The Honorable Daniel D. Narum, D.J., sitting in place of Sandstrom, J., disqualified.